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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,110	07/18/2001	Russell B. Thompson	15916-249x	1696

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EXAMINER

ROLLINS, ROSILAND STACIE

ART UNIT PAPER NUMBER

3739

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/909,110

Applicant(s)

THOMPSON ET AL.

Examiner

Rosiland S Rollins

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 30,31,33-44,46-49,60,61 and 63-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30,31,33-44,46-49,60,61 and 63-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Allowable Subject Matter*

The indicated allowability of claims 43, 46, 62, 63 and 65-67 is withdrawn in view of the reference(s) to McGee et al. (US 5984907) and Wilson (US 5772641). Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 40, 41, 44, 46-49 and 65-67 are rejected under 35 U.S.C. 102(e) as being anticipated by McGee et al. '907. In figures 2-3b McGee et al. disclose a catheter, comprising: a hollow catheter body proximal member (158) defining a distal region, a hollow catheter body distal member (104) defining a proximal region, the distal and proximal members being respectively located such that one of the distal region of the proximal member and the proximal region of the distal member overlaps the other, thereby creating an overlapping region, a bond at the overlapping region securing the proximal member to the distal member, and a steering center support (78) located within at least the distal member and secured to at least one of the proximal member

and the distal member. **Regarding claim 44** see element (62). **Regarding claims 47 and 67** see reference number (166); applicant discloses the adhesive connection as being indirect in paragraph [119] of applicant's pre-grant publication of the instant application. **Regarding claims 48 & 49** see element (96). **Regarding claims 46 and 66** element 120 is interpreted as being the sleeve covering a portion of the steering center support.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40, 41, 44, 46-49 and 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGee et al. '907 further in view of Wilson '641. In figures 2-3b McGee et al. disclose a catheter, comprising: a hollow catheter body proximal member (66) defining a distal region, a hollow catheter body distal member (120) defining a proximal region and a steering center support (78) located within at least the distal member and secured to at least one of the proximal member and the distal member. **Regarding claim 44** see element (62). **Regarding claims 47 and 67** see reference number (166). **Regarding claims 48 & 49** see element (96). **Regarding claims 46 and 66** see element (104). McGee et al. teach all of the limitations of the claims except the distal and proximal members being respectively located such that one of the distal

region of the proximal member and the proximal region of the distal member overlaps the other thereby creating an overlapping region. McGee et al. disclose a butt weld between the distal and proximal members.

Wilson teaches that it is old and well known in the art to provide an overlapping weld between the distal and proximal members of a catheter as opposed to a butt weld to avoid altering the outer diameter of the catheter and increase the bond integrity between the members. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an overlapping weld as opposed to the butt weld on the McGee et al. device to increase the bond integrity between the distal and proximal members.

Claims 42, 43, 60, 61, 63, 64, 68 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGee et al. and Wilson further in view of Webster, Jr. (US 5827278). McGee et al. and Wilson combined teach all of the limitations of the claims except the catheter body having an aperture extending through a predetermined portion of the sidewall.

Webster, Jr. discloses a similar device and teaches that it is old and well known in the art to provide an aperture in the side wall of the catheter body to provide a means for inserting adhesive within the catheter to form a glue joint. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an aperture in the sidewall of the McGee et al. catheter body to provide a means for inserting the adhesive within the catheter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rosiland S Rollins whose telephone number is (571) 272-4772. The examiner can normally be reached on Mon.-Fri. 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Rosiland S Rollins  
Primary Examiner  
Art Unit 3739

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